

**IDAHO BOARD OF MASSAGE THERAPY**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Board Meeting Minutes of 8/24/2015**

**BOARD MEMBERS PRESENT:** Gayla Nickel - Chair  
Paul J Weston  
Gail L King  
Linda A Chatburn

**BOARD MEMBERS ABSENT:** Ione C Springer

**BUREAU STAFF:** Tana Cory, Bureau Chief  
Dawn Hall, Administrative Support Manager  
Lori Peel, Investigative Unit Manager  
Maurie Ellsworth, General Counsel  
Mitchell Toryanski, Legal Counsel  
Jean Uranga, Board Prosecutor  
Erin Anderson, Technical Records Specialist I

**OTHERS PRESENT:** Amy Cook, Elements  
Jason Chase, Elements  
Bibiana Arias, Elements  
Renee Button  
Amanda Rich, Milan Institute  
Cecilia Escobedo, Massage Envy Spas  
Suzie Lindberg, AMTA

The meeting was called to order at 8:36 AM MDT by Gayla Nickel.

A motion was made by Ms. King to amend the agenda to add the review and approval of the 6/29/2015 minutes. The reason for the amendment was because Ms. Anderson in error had not included the review of the tabled 6/29/2015 minutes. It was seconded by Ms. Chatburn. Motion carried.

**APPROVAL OF MINUTES**

Ms. King made a motion to approve the minutes of 6/22/2015 with noted corrections. It was seconded by Ms. Chatburn. Motion carried.

Ms. Chatburn made a motion to approve the minutes of 6/29/2015. It was seconded by Ms. King. Motion carried.

A motion was made by Ms. King to approve the minutes of 7/21/2015 with noted corrections. It was seconded by Ms. Chatburn. Motion carried.

## **LEGISLATIVE REPORT**

Ms. Cory gave the legislative report. She reminded the Board that the deadlines have passed for any law or rule changes 2016 Legislative Session.

## **FINANCIAL REPORT**

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$173,349.38 as of 7/31/2015.

## **BOARD CONTRACT**

Ms. Hall presented the FY 2016 board contract. Ms. Chatburn made a motion to accept the contract and authorize the Chair to sign. It was seconded by Ms. King. Motion carried.

## **DISCIPLINE**

Ms. Uranga presented a memorandum regarding case number MAS-2015-2. After discussion, the Board gave recommendations for appropriate discipline.

## **INVESTIGATIVE REPORT**

Ms. Peel gave the investigative report, which is linked above.

## **FOR BOARD DETERMINATION**

Ms. Chatburn made a motion to approve the Bureau's recommendation and authorize closure in case I-MAS-2015-1. It was seconded by Mr. Weston. Motion carried. Ms. King recused herself from discussion and voting.

Ms. King made a motion to approve the Bureau's recommendation and authorize closure in case I-MAS-2015-12. It was seconded by Ms. Chatburn. Motion carried. Mr. Weston recused himself from discussion and voting.

## **SCHOOL REGISTRATION**

Mr. Ellsworth discussed with the Board the current application for registration process for proprietary schools in Idaho. The Idaho Board of Massage Therapy does not have any regulation over the contents of a school's curriculum when they have submitted their application to the Idaho State Board of Education for registration. The Idaho State Board of Education also does not have any statutory requirements for the content of a proprietary school's curriculum. Mr.

Weston and Ms. King will form a sub-committee to discuss possible law or rule changes regarding the requirements in Rule 600 and massage therapy schools. Their findings will be discussed at the next face-to-face meeting.

## **OLD BUSINESS**

To Do List – The Board reviewed the to-do list and discussion was held on the items below.

## **FREQUENTLY ASKED QUESTIONS AND WEB UPDATES**

The Board discussed an error with minutes and agenda from 6/19/2013. The documents stated two different dates on the minutes and the agenda for this day. The Board requested that the Grandfather Application fees be removed from the fees schedule on the website. Ms. Nickel requested that ethics continuing education classes that she offers have the word “Ethics” added to the title. Ms. Lindberg from AMTA informed the Board that the website we have listed for them under “Additional Information of Interest” was wrong and gave the Board the correct one. The Board also pointed out a question that was duplicated on the “Frequently Asked Questions” page. A motion was made by Ms. Chatburn to update the FAQ page and the Board’s web page with the suggested changes. It was seconded by Mr. Weston. Motion carried.

## **LAW/RULE CHANGES**

Discussion was held on the possibility of temporary permits. Ms. Chatburn will research what other states are doing and bring her findings to the Board at another meeting.

## **NEW BUSINESS**

## **MEETING DATES**

The Board designated the following dates for the next board meetings:

9/22/2015	4:00 PM MDT
10/19/2015	8:30 AM MDT
12/1/2015	4:00 PM MDT
1/4/2016	8:30 AM MDT

## **PUBLIC COMMENT**

Amy Cook addressed the Board and asked about the disciplinary process. She was informed that a memorandum is presented, the Board gives its suggestions, and the Prosecutor will attempt to negotiate a Stipulation and if there was no agreement, the case could go to a hearing.

Jason Chase addressed the Board inquiring if it only reviews applications for licensure at the face-to-face meetings. The Board informed Mr. Chase that the Board is meeting once a month now, and applications are reviewed at every meeting.

A question was asked to the Board from a member of the public inquiring if the Board issued temporary permits. The Board stated there are no temporary permits in the statute.

A member of the public suggested the Board place a notice on the front page of the Board's website directing viewers to the FAQ page for any questions or concerns.

## **CORRESPONDENCE**

The Board addressed correspondence submitted by Cindy McCall. Ms. McCall expressed her frustration over the Board's annual CE requirement. She feels that because of the law and rule, her options for acceptable CE are limited. The Board asked Ms. Anderson to direct her to Idaho Code 54-4002(7), 54-4003, and Rule 500.04. The Board wants Ms. McCall to review the definitions for her scope of practice, the exemptions so that she is aware of the modalities that are not covered by the massage therapy license, and the section of the rule that explains to licensee's their option to carry over CE. The Board expressed that because of the law and rule, it is limited on the type of continuing education courses it can approve. The Board requested that on the FAQ page of the Board's website that the scope of practice and its definition be added to the list of questions and answers.

The Board reviewed correspondence submitted by Robbin Blake. Ms. Blake presented to the Board a draft of a continuing education application she created for use by the Idaho Board of Massage Therapy. She formed the application around Rule 501.a.b. and c's requirements. The Board decided to table this matter until the next face-to-face meeting.

## **EXECUTIVE SESSION**

Ms. Chatburn made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Ms. King. The vote was: Ms. Nickel, aye; Ms. King, aye; Ms. Chatburn, aye; and Mr. Weston, aye. Motion carried.

Mr. Weston made a motion to come out of executive session. It was seconded by Ms. Chatburn. The vote was: Ms. Nickel, aye; Ms. King, aye; Ms. Chatburn, aye; and Mr. Weston, aye

## **CE FOR REINSTATEMENT**

Ms. King reviewed continuing education for license reinstatement purposes and gave Ms. Anderson direction.

## **CORRESPONDENCE**

The Board reviewed a request to waive the continuing education requirement from a licensee. Ms. King made a motion to deny this request and requested that the licensee be referred to Rule 502.03. She also referred the licensee to the internet for CE training. It was seconded by Ms. Chatburn. Motion carried.

## **CE COURSES**

The Board reviewed correspondence submitted by Ms. Chennai Herrera. Ms. Herrera requested the Board reconsider their denial of two continuing education courses she submitted. The Board reviewed the additional information but remained with their original decision. The Board instructed Ms. Anderson to refer Ms. Chennai to Idaho Code 54-4002(7), Idaho Code 54-4003(2)(f) and Rule 501.02.03.

Ms. King made a motion to approve the following CE courses submitted by a licensee on their behalf:

Human Anatomy & Physiology I  
Human Anatomy & Physiology II  
Biology 227  
Biology 228  
Human Anatomy and Physiology I-Biology 227  
Human Anatomy and Physiology II-Biology 228  
Bioethics for Health Professionals  
Biology 201-Introduction to Biology  
Medical Terminology

It was seconded by Ms. Chatburn. Motion carried.

Ms. King made a motion to approve the following CE course:

PNMT Form and Function

It was seconded by Ms. Chatburn. Motion carried.

A motion was made by Ms. King to approve three hours of the eight hour course Medical Massage Clinical CE: Assessment & Treatment of Clinical Conundrums at each Strata:

Ethics	1 hour
CPR	1 hour
AED	1 hour

It was seconded by Ms. Chatburn. Motion carried. The other five hours of the course are not approved due to being outside the scope of practice per Idaho Code 54-4002.

## **APPLICATION UPDATE**

A motion was made by Ms. Chatburn to add to the endorsement application the request that the applicant provide with their application the law or rule that shows the educational requirements for the state they are endorsing from. It was seconded by Ms. King. Motion carried.

## **APPLICATIONS FOR REVIEW**

Ms. King made a motion to ratify the date of the approval for the following applicant. An error had been made in the review process and after additional review the Board Chair approved the issuance of the license on 8/4/2015:

MAS-2621 Kelly Barker

It was seconded by Ms. Chatburn. Motion carried.

Ms. Chatburn made a motion to approve the following for licensure pending receipt of additional information:

#901140868

#901140879

It was seconded by Mr. Weston. Motion carried. Ms. King recused herself from discussion and voting.

Mr. Weston made a motion to approve the following for licensure:

MAS-2569	Renee Button	MAS-2658	Emily Stevens
MAS-2635	Valerie Smith	MAS-2527	Megan Rumsey
MAS-2560	Brandi Vanseters	MAS-2543	Jennifer Casey
MAS-2531	Heather Carlson	MAS-2566	Luke Spaulding
MAS-2608	Kacey Davis	MAS-2630	Diana Dawson
MAS-2624	Cheri Dimond	MAS-2645	Andrea Baron
MAS-2610	Eva Hallvik	MAS-2632	Catherine Caruso
MAS-2640	Jack Weaver	MAS-2627	Brianna Cohn
MAS-2653	Jessica King	MAS-2629	Denise Robinson
MAS-2620	Logan Laufenberg	MAS-2619	Misty Price

MAS-2625 Rosaura Trutanich MAS-2607 Jennifer Reeves  
MAS-2642 Donald Powell MAS-2626 Jesse Kruger

It was seconded by Ms. King. Motion carried.

Ms. Chatburn made a motion to approve the following for licensure pending receipt of additional information:

#901140825  
#901140824  
#901140863  
#901140542  
#901140790  
#901140878  
#901140728  
#901140822  
#901140791  
#901140611  
#901140534  
#901140866  
#901140661

It was seconded by Mr. Weston. Motion carried.

Ms. King made a motion to approve the following for licensure pending receipt of additional information and Board Chair review:

#901136462  
#901140662  
#901135140  
#901137048  
#901140445  
#901138478  
#901140371  
#901140631

It was seconded by Mr. Weston. Motion carried.

**NEXT MEETING** was scheduled for 9/22/2015 at 4:00 PM MDT.

## **ADJOURNMENT**

Ms. Chatburn made a motion to adjourn the meeting at 4:00 PM MDT. It was seconded by Ms. King. Motion carried.

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Gayla Nickel, Chair

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Ione C Springer

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Paul J Weston

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Gail L King

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Linda A Chatburn

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Tana Cory, Bureau Chief